PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: HOFMANN-5

In re Application of:	) **Examiner: Singh, Sunil**
FRANK HOFMANN	) **Group Art Unit: 3672**
	)
Appl. No.: 10/540,988	) **Confirmation No: 9572**
Filing Date: January 20, 2006	)
	)
For: SEWER PIPE	)

RESPONSE TO OFFICIAL ACTION
dated May 14, 2008

CERTIFICATION OF EFS-WEB TRANSMISSION

I hereby certify that this paper is being EFS-Web transmitted to the U.S. Patent and Trademark Office, Alexandria VA 22313-1450, on **November 12, 2008.**
Date

Henry M. Feiereisen
(Name of Registered Representative)

(Signature) 11-12-2008 (Date of Signature)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

This communication is in response to the Official Action of May 14, 2008, having a shortened period for response terminating August 14, 2008.

The Commissioner is hereby petitioned to extend the period for response to above-referenced Official Action by THREE months until November 14, 2008.

[X] Accompanying this amendment is the appropriate fee of $1,110.00 pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a).

[ ] The Commissioner is hereby authorized to charge the appropriate fee of $ pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a) and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

[X] The Commissioner is hereby also authorized to charge any fees which may be required during the pendency of this application, including any patent application processing fees under 37 C.F.R. 1.17, and any filing fees under 37 C.F.R. 1.16, including presentation of extra claims, or credit any overpayment to Deposit Account No: 06-0502.

Please amend the above-entitled application as follows:

AMENDMENTS TO THE CLAIMS WITH MARKINGS TO SHOW CHANGES MADE, AND LISTING OF ALL CLAIMS WITH PROPER IDENTIFIERS

1. (Currently amended) A sewer pipe suitable for being drawn into the ground in a horizontal boring method, comprising:

partial pipe shells;

first connecting means connecting the partial pipe shells firmly to one another to form a tubular configuration which defines a longitudinal axis; and

second connecting means for transmitting a tensile force when the sewer pipe is drawn horizontally into the ground and attached to an element selected from the group consisting of a further sewer pipe and a boring device, ~~with~~ wherein the second connecting means includes a rectangular recess formed in one of the sewer pipe and the element and extending in parallel relationship to the longitudinal axis, and a rectangular elevation complementing the recess and provided on the other one of the element and the sewer pipe in parallel relationship to the longitudinal axis ~~configured to complement the second connecting means~~.

2. (Previously presented) The sewer pipe as claimed in claim 1, wherein at least two of the partial pipe shells are connected to each other via a hinge.

3. (Previously presented) The sewer pipe as claimed in claim 1, wherein at least two of the partial pipe shells are connected via a latching element which is provided on the one of the two partial pipe shells and which latches into a recess in the other one of the two partial pipe shells, thereby defining the first connecting means.

4. (Previously presented) The sewer pipe as claimed in claim 3, wherein the latching element is a latching pin of the one of the partial pipe shells to engage in the recess in the form of a latching hole in the other one of the partial pipe shells.

5. (Previously presented) The sewer pipe as claimed in claim 3, further comprising a hinge for pivotably connecting the latching element to the one of the partial pipe shells.

6. (Previously presented) The sewer pipe as claimed in claim 1, wherein one of the partial pipe shells has a positioning pin for engagement in a positioning recess in a further one of the partial pipe shells, thereby defining the first connecting means.

7. (Currently amended) The sewer pipe as claimed in claim 1, wherein ~~at least one of the partial pipe shells has an inner surface formed with a~~ the recess is formed on an inner surface at an end of the sewer pipe for engagement by ~~an~~ the elevation on an outer surface of the element[[,]] ~~with the recess and elevation defining the second connecting means~~.

8. (Currently amended) The sewer pipe as claimed in claim 1, wherein ~~at least one of the partial pipe shells has an inner surface formed with an~~ the elevation is provided on an inner surface at an end of the sewer pipe for engagement into [[a]] the recess on an outer surface of the element[[,]] ~~with the recess and elevation defining the second connecting means~~.

9. (Previously presented) The sewer pipe as claimed in claim 1, further comprising sealing elements arranged between the partial pipe shells.

10. (Previously presented) The sewer pipe as claimed in claim 1, wherein the partial pipe shells are made at least partly from plastic.

11. (Previously presented) The sewer pipe as claimed claim 10, wherein the plastic is reinforced with glass fibers.

12.-15. (Canceled)

16. (Currently amended) A method for ~~producing~~ connecting a first sewer pipe ~~string with at least one sewer pipe~~ with an element selected from the group consisting of a second said sewer pipe and a boring device, with the first sewer pipe comprised of two pipe shells which can be connected to one another in a closed position to define a tubular configuration and opened in an open position, with the first sewer pipe and the element having each a connection member selected from the group consisting of a recess and an elevation, said method comprising the steps of:

~~forming a first sewer pipe from partial pipe shells;~~

placing the element in one end of the first sewer pipe ~~in surrounding relationship to one end of a second~~, when the first sewer pipe assumes the open position, such that one connection member selected from the group engages the other connection member of the group; and

~~connecting the first and second sewer pipe firmly to each other~~

closing the first sewer pipe to assume the closed position and thereby surround the element, with the one connection member being in full circumferential engagement with the other connecting member so as to enable a transmission of tensile forces; and

drawing the first and second sewer pipes horizontally into the ground by means of the boring device.

17. (Currently amended) The method as claimed in claim 16, wherein at least two of the partial pipe shells of the first sewer pipe are connected by a hinge, and further comprising the step of folding the partial pipe shells together so as to embrace the end of the ~~second sewer pipe~~ element.

18.-20. (Canceled)

REMARKS

The last Office Action of May 14, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-14, 16-17, 19, 20 are pending in the application. Claims 1, 7, 8, 16-17 have been amended. Claims 12-14, 19-20 have been canceled. No claim has been added. No amendment to the specification has been made. No claim fee is due.

Claims 1, 3-4, 6-11, 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hahn et al., of record, in view of St. Onge, of record.

Claims 2, 3, 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hahn et al. in view of St. Onge and further in view of either Knox et al., or Sullivan, or Swisher, or Ahn et al., or Petrovic, or Fisher, or Ty;rer et al., all of record.

Claims 12-13, 16, 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over EP document '583 in view of St. Onge.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over EP document '583 in view of St. Onge, and further in view of Hahn et al..

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over EP document '583 in view of St. Onge, and further in view of either Knox et al., or Sullivan, or Swisher, or Ahn et al., or Petrovic, or Fisher, or Ty;rer et al., or Dennehey et al.

Applicant has amended independent claim 1 to more clearly set forth the structure of the second connecting means in the form of a cooperating rectangular recess and rectangular elevation combination between the parts to be interconnected in order to transmit tensile forces. The recess and the elevation extend hereby in **parallel** relationship to the longitudinal axis of the sewer pipe. Support for the additions to claim 1 can be found in Fig. 5. Claims 7 and 8 have been amended to make them consistent with the changes to claim 1. The other independent claim 16 has been amended to more clearly set forth the steps to realize a connection between two sewer pipes. More specifically, claim 16 now sets forth the need to have

one of the sewer pipes in an open position to enable the connection to the other sewer pipe. Claim 17 has been amended to make it consistent with the changes to claim 16.

The Examiner readily acknowledges that Hahn et al. fail to disclose the presence of connecting means in order to transmit tensile forces. In other words, Hahn et al. do no disclose the presence of the "second" connecting means, as set forth in claim 1. In order to bridge the absence of this teaching, the Examiner applies the St. Onge reference and in particular to Figs. 6, 7 thereof which show the interconnection of two pipe sections. As shown in Figs. 6, 7 and described in detail in col. 5, ll. 13-34, the ends of the pipe sections are configured in the form of **slanted** ramps which have a female portion and a male portion, respectively. When connecting the confronting ends of the pipe sections, the female portion of one pipe section is pushed over the male section of the other pipe section to effect a snap connection. As a result of the slanted ramps, there is stress on the pipe section ends during interconnection of the pipe section, because the female portion has to expand outwardly while the male portion contracts to permit the snap connection. Reference is made to col. 5, ll. 20-24 in St. Onge. In contrast thereto, claim 1 sets forth the parallel relationship of the recess and elevation with respect to the longitudinal axis of the sewer pipe so that the interconnection between two pipes does not expose the pipe ends to stress, when one pipe end is placed in the other pipe end. Thus, a combination of Hahn et al. with St. Onge will not produce the present invention, as set forth in claim 1.

For the reasons set forth above, it is applicant's contention that neither Hahn et al. nor St. Onge, nor a combination thereof teaches or suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims 2-11, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

With respect to the rejection of independent claim 16, the Examiner also EP '583 readily acknowledges that EP '583 fails to disclose the presence of "second"

connecting means in order to transmit tensile forces. Again, to bridge the absence of this teaching, the Examiner applies the St. Onge reference in a same way, as discussed *supra*. Claim 16, as now on file, clearly sets forth the requirement to open one sewer pipe in order to be able to interconnect the ends of two sewer pipes. In other words, the pipe shells of one sewer pipe must be unfolded in order to allow the interconnection of the two sewer pipes by engagement of the elevation in one sewer pipe in a recess of the other sewer pipe. In contrast thereto, St. Onge merely discloses one end of a pipe section to be pushed over the end of another pipe section, with the resultant stress being caused as discussed above. Thus, a combination of EP '583 with St. Onge will not produce the present invention, as set forth in claim 16.

For the reasons set forth above, it is applicant's contention that neither EP '583 nor St. Onge, nor a combination thereof teaches or suggests the features of the present invention, as recited in claim 16.

As for the rejection of the retained dependent claim 17, this claim depends on claim 16, shares its presumably allowable features, and therefore it is respectfully submitted that claim 17 should also be allowed.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be

helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By:_____
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